

# Advisory

**For Immediate Release:**

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## CHANGES TO THE PARKLAND DEDICATION AND PARK IMPACT ORDINANCES

**When:** The approved changes to the Parkland Dedication Ordinance, the Park Impact Ordinance and the Associated Fees and Credit Resolution goes into effect on Saturday, February 10, 2007.

**What:** The Per Household Density Numbers will increase to the 2000 U.S. Census data: 3.50 for SFD, 3.06 SFA, 3.23 MF 2-4 units, 2.29 MF +5, & 1.00 SRO units

Park In-Lieu Fees will increase to 100% of the 2005 land values per the attached Table 3 and the associated MLS Map.

Projects that have obtained an approved Plan Development Permit (PDP), Conditional Use Permit (CUP), Site Development Permit, and/or Tentative Map on or before July 9, 2007, will be subject to the In-Lieu Fees associated with 70% of the 2001 land values, if such fees are paid by January 31, 2009.

The “Active Elements” under Private Recreational Credits will now include:

- e. Private plaza area of at least 900 sq. ft. that is located adjacent to a public street with seating equaling 75% of the perimeter dimension and open at least 360 days.
- f. Private garden area of at least 900 sq. ft. that is located adjacent to a public street with seating equaling 30% of the perimeter dimension and open at least 360 days.
- g. Private pet amenities areas must be at least 300 sf for the exclusive use of the project’s residences.
- h. Private garden plot area of at least 100 sf per plot for exclusive use of the residents

Projects over five stories shall be excluded from the requirements that the project include at least one of the Active Elements described in the Associated Fees and Credit Resolution (No. 73587)

The In-Lieu Park Fee for multi-family units in projects of 12 stories or more in the Downtown Core Area, east of Highway 87, shall be 50% of the fees in effect at the time of payment for the first 2,500 units. Projects subject to this fee reduction shall not be eligible to receive credits for private recreational improvements under either Ordinance. Payment of the In-Lieu Park Fees may be deferred under a parkland agreement to the scheduling of the final inspection for the first certificate of occupancy associated with the use of a residential unit(s).

The City will allow private recreational credits for 8,000 square feet of uninterrupted fairly flat contiguous turf area used as private stormwater detention facility.

The City Council has established a one year pilot program regarding recreational turf areas of 8,000 sf or greater dedicated to the City for public park purposes, which also acts as a stormwater detention facility. Credit shall be 50% of the actual square footage of the stormwater detention facility that is used for an eligible park and recreational purposes. Credits will be given only when an Applicant has entered in an agreement with the City in which the Applicant has agreed to construct the stormwater detention facility and demonstrated that there is a funding mechanism in place to provide for the ongoing maintenance needs of the stormwater facility.

The City will give parkland credits for the dedication of land and/or construction of paved trails, which meets the City's Trail requirements for non-road trail. The land area shall equal the length of the trail times a width no greater than 24 feet.

The City will give parkland credits for the turnkey construction of a park, recreational facility, and/or trail segment associated with a new housing development.

A parkland credit is equal to the right to construct one new residential unit in the City of San José under the Park Impact Ordinance, Chapter 14.25 SJMC, or the Parkland Dedication Ordinance, Chapter 19.38 SJMC.

Changes to the Park Impact Ordinance and the Parkland Dedication Ordinance are stated in Ordinance No. 27949, which was passed for publication of Title on the 12<sup>th</sup> day of December, 2006, was published in accordance with the provisions of the Charter of the City of San José, and was given final reading and adopted on the 9<sup>th</sup> day of January, 2007, along with the Associated Fee and Credits Resolution No. 73587.

A copy of Ordinance No. 27949 and the Associated Fees and Credits Resolution No. 73587 will be posted on the City of San José - Parks, Recreation, and Neighborhood Services web site at [www.sanjoseca.gov/prns](http://www.sanjoseca.gov/prns).